

STATE OF SOUTH CAROLINA

(Caption of Case)

Joint Application of Broadview Networks, Inc. and  
ATX Licensing, Inc. for Authority to Transfer  
Customer Base

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2008 - 262 - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

SC Bar Number: 11208

Telephone: 803-343-1270

Fax: 803-799-8479

Other:

Address: Ellis, Lawhorne & Sims, PA

PO Box 2285

Columbia SC 29202

Email: jpringle@ellislawhorne.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☒ Request for item to be placed on Commission's Agenda  
expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☒ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other:

NATURE OF ACTION (Check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Affidavit                 | <input type="checkbox"/> Letter                            | <input type="checkbox"/> Request                   |
| <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Application               | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input type="checkbox"/> Certificate               | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition        |
| <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input type="checkbox"/> Discovery                 | <input checked="" type="checkbox"/> Prefiled Testimony     | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other:                    |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |  |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
| <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |

Print Form

Reset Form

# ELLIS LLP LAWHORNE

John J. Pringle, Jr.  
Direct dial: 803/343-1270  
[jpringle@ellislawhome.com](mailto:jpringle@ellislawhome.com)

August 12, 2008

## **FILED ELECTRONICALLY**

The Honorable Charles L.A. Terreni  
Chief Clerk  
**South Carolina Public Service Commission**  
Post Office Drawer 11649  
Columbia, South Carolina 29211

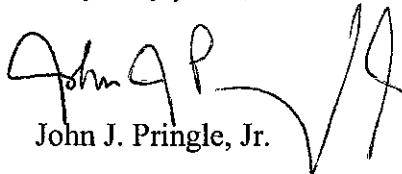
RE: Joint Application of Broadview Networks, Inc. and ATX Licensing, Inc.  
for Authority to Transfer Customer Base  
**Docket No. 2008-262-C, Our File No. 582-11597**

Dear Mr. Terreni:

Enclosed is the **Verified Testimony of Charles C. Hunter** filed on behalf of Broadview Networks, Inc. and ATX Licensing, Inc. for filing in the above-referenced docket. Applicants waive their right to a formal hearing in this matter and the return date has passed without intervention. Please have this item listed on the agenda for next scheduled weekly meeting.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

  
John J. Pringle, Jr.

JJP/cr

cc: C. Lessie Hammonds, Esquire (via electronic mail service)  
Mr. Charles Hunter (via electronic mail service)  
Catherine M. Hannon, Esquire (via electronic mail service)

Enclosure

**Before the  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2008-262-C**

**Joint Application of** )  
 )  
**Broadview Networks, Inc.** )  
 )  
**And** )  
 )  
**ATX Licensing, Inc.** )

**VERIFIED TESTIMONY OF CHARLES C. HUNTER**

1    **Q.    PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.**

2    A.    My name is Charles C. Hunter. I am Executive Vice President, Secretary and  
3           General Counsel of Broadview Networks Holdings, Inc., and its operating  
4           subsidiaries, Broadview Networks, Inc., and ATX Licensing, Inc. My business  
5           address is 800 Westchester Avenue, Suite N-501, Rye Brook, NY 10573.

6    **Q.    PLEASE BRIEFLY DESCRIBE YOUR BACKGROUND, INCLUDING**  
7           **EDUCATIONAL AND BUSINESS EXPERIENCES.**

8    A.    I have served as Executive Vice President, Secretary and General Counsel of the  
9           Broadview entities since 2003. I have practiced telecommunications law for more  
10          than 25 years and represented competitive providers of communications services  
11          for well over a decade. Prior to joining Broadview, I headed the Hunter  
12          Communications Law Group, P.C., a District of Columbia-based boutique  
13          telecommunications law firm with a nationwide clientele. I began my legal career  
14          as a trial attorney with the Federal Maritime Commission and afterwards was a

1 partner specializing in telecommunications matters at the Chicago-based law firm  
2 of Gardner, Carton and Douglas and the District of Columbia-based law firm of  
3 Herron, Burchette, Ruckert and Rothwell.

4 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?**

5 A. Yes, I have previously provided testimony in connection with the application of  
6 Broadview Networks, Inc. for a Certificate of Public Convenience and Necessity  
7 to Provide Resold and Facilities-Based Interexchange Telecommunications  
8 Services, assigned by the Commission Docket No. 2007-413-C.

9 **Q. ARE YOU FAMILIAR WITH THE APPLICATION FILED BY BROADVIEW**  
10 **NETWORKS, INC. AND ATX LICENSING, INC. IN THE INSTANT MATTER?**

11 A. Yes. I assisted in the preparation of the Application.

12 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

13 A. The purpose of my testimony is to describe the proposed migration of a  
14 substantial portion of the customers of ATX to Broadview. In order to better and  
15 more efficiently serve customers of the various carriers within the Broadview  
16 corporate family, a substantial portion of the customers of ATX are to be  
17 consolidated into the Broadview customer base. Following the migration, the  
18 former ATX customers will be provided with the same services, at the same rates  
19 and on the same terms and conditions that they received prior thereto. Customers  
20 will be provided advance written notice of the migration and afforded an  
21 opportunity to opt out of the transfer. The internal transfer of accounts will be  
22 transparent to the customer; the only change noticeable to customers will be the  
23 name of the carrier on their monthly bill, which will change to Broadview.

1   **Q:   WILL BROADVIEW FILE A SUPPLEMENT TO ITS TARIFF AS**  
2       **NECESSARY IN ORDER TO PRESERVE THE CURRENT RATES,**  
3       **TERMS AND CONDITIONS THAT CUSTOMERS OF ATX NOW HAVE**  
4       **IN PLACE?**

5   A.   Yes. Supplemental tariff pages effectuating this change are provided as an attachment to  
6       the Joint Application. ATX's tariff will remain on file with the Commission, however,  
7       since ATX will retain its operating authority to serve those of its customers which will  
8       not be transferred to Broadview.

9   **Q:   IN YOUR OPINION, WOULD GRANT OF THIS APPLICATION BE IN**  
10       **THE PUBLIC INTEREST?**

11 A:   Yes. No customer will experience disruption of service as a result of this  
12       customer base consolidation. Furthermore, Broadview believes that it will be  
13       better able to serve its customers and those of ATX on a consolidated basis.

14 **Q:   WILL YOU REMAIN AVAILABLE TO RESPOND TO ANY**  
15       **ADDITIONAL QUESTIONS FROM THE COMMISSION OR ITS STAFF**  
16       **ABOUT YOUR APPLICATION OR COMPANY IF NECESSARY?**

17 A:   Yes.

18 **Q.   DOES THIS COMPLETE YOUR TESTIMONY?**


19 A.   Yes.

**BEFORE THE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**VERIFICATION**

State of New York                    )  
  )     ss.  
County of Westchester            )

Charles C. Hunter, being duly sworn, deposes and says: that he is Executive Vice President, Secretary and General Counsel of Broadview Networks Holdings, Inc., and its operating subsidiaries, Broadview Networks, Inc., and ATX Licensing, Inc.; that he has read the foregoing Pre-filed Testimony and knows the contents thereof, and that the same is true of his knowledge except as to the matters therein stated upon information and belief; and as to those matters he believes them to be true; and that he consents to the Pre-filed Testimony being used as evidence in this proceeding.

  
\_\_\_\_\_  
Charles C. Hunter